

REMARKS

Of the forty-two claims presented for examination in this application, seven of them have been indicated to possess patentable matter. Applicants have amended their claims so that all of the claims currently in this application are within the contemplation of claims indicated to present allowable subject matter. As such, applicants submit that all the claims currently in this application are patentable over the grounds of rejection imposed in the outstanding Official Action.

Considering first the process claims, Claim 8 has been indicated to possess allowable subject matter. Applicants have amended independent process Claim 1 to incorporate therein the limitation of Claim 8. Claim 8 depends directly from Claim 1 and thus the amendment to Claim 1, representing Claim 8 in independent form, has been indicated to possess patentable matter. Claims 2 and 5-16 each depend directly or ultimately from Claim 1. As such, each of these claims possess limitations which have been indicated to possess subject matter. Therefore, Claims 1, 2, 5-7, 9-16, 43 and 44, all the process claims currently in this application, are deemed patentable over the rejection presented in the outstanding Official Action.

The introduction of the limitation of Claim 8 into Claim 1 makes Claim 8 redundant. Claim 8 has thus been cancelled.

Turning to the apparatus claims, Claims 29-31 have been indicated to possess patentable subject matter. Claim 17, the sole independent apparatus claim originally present in this application, has been amended to incorporate therein the limitation of Claim 29. As such, Claim 17 is indicated to possess patentable subject matter since it represents Claim 29 in independent form. Therefore, apparatus Claims 18, 20-23, 26-28,

30-42 and 45, which depend directly or ultimately from Claim 17, also contain patentable subject matter.

It is noted that Claim 29 depends from Claim 18. Claim 18 includes the limitation that the used rubber particles are used vehicle tire particles. Applicants submit that the patentable nature of Claim 29 is independent of the original source of the used rubber particles. As such, the omission of the limitation of Claim 18 does not adversely affect the patentability of the aforementioned apparatus claims.

It is emphasized that the introduction of the limitation of Claim 29 into Claim 17, from which Claim 29 depends, makes Claim 29 redundant. Claim 29 has been cancelled.

The Official Action indicates that Claims 24 and 25 possess patentable subject matter. Applicants have introduced a new independent apparatus claim, Claim 46. Claim 46 represents the limitations of Claims 24 and 25 in independent form. As such, new independent Claim 46 is deemed patentable. The introduction of the limitations of Claims 24 and 25 into Claim 17, as new independent Claim 46, makes Claims 24 and 25 redundant. These claims have been cancelled.

The above amendments and remarks establish the patentable nature of all the claims currently in this application. Notice of Allowance and passage of issue of these claims, Claims 1, 2, 5-7, 9-23, 26-28, and 30-46, is therefore respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marvin Bressler", with a long horizontal flourish extending to the right.

Marvin Bressler
Registration No. 25,132
Attorney for Applicants

SCULLY, SCOTT, MURPHY & PRESSER, PC
400 Garden City Plaza - Suite 300
Garden City, New York 11530
(516) 742-4343
MB:ahs